

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-4560**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BRANDON CAINE DELAMAR,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Chief District Judge. (CR-02-8)

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Submitted: November 7, 2002

Decided: November 13, 2002

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Before WILKINS and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Louis C. Allen III, Federal Public Defender, William C. Ingram, Assistant Federal Public Defender, Robert M. Hamilton, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Robert M. Hamilton, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Brandon Caine Delamar appeals his conviction and sentence for one count of bank robbery in violation of 18 U.S.C. § 2113(a) (2000). Delamar was sentenced to 160 months' imprisonment, less than the statutory maximum term of imprisonment authorized by statute. On appeal, Delamar contends the district court imposed a sentence in violation of the rule announced in Apprendi v. New Jersey, 530 U.S. 466 (2000), by finding he was a career offender based upon prior convictions not alleged in the indictment. This claim is without merit. "[F]actual determinations that increase a defendant's sentence under the sentencing guidelines do not implicate Apprendi and may be made by the sentencing judge as long as the sentence imposed is less than the maximum permitted by statute for the offense for which the defendant was convicted." United States v. Obi, 239 F.3d 662, 667 (4th Cir.), cert. denied, 122 S. Ct. 86 (2001).

Accordingly, we affirm the conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED